

CITY OF CABOT, ARKANSAS
Council Meeting Minutes
January 25, 2021

In response to the 2020 COVID-19 Pandemic and restrictions placed on social distancing by the Centers for Disease Control, the City of Cabot moved the monthly Council Meeting to the Veterans Park Event Center, 508 N. Lincoln, as advertised. This allowed for spacing between chairs, as suggested. The event was successfully streamed through YouTube. You may view this meeting at <https://www.youtube.com/watch?v=zohHr84MUOA>.

Mayor Ken Kincade called to order the regular meeting of the Cabot City Council at 6:30 p.m. on January 25, 2021 in the Veterans Park Event Center. Council Member Matt Webber led the prayer and Council Member Brandon Hillenburg led the Pledge of Allegiance.

Roll Call

A roll call was conducted. The following Council Members were present: James Reid, Matt Webber, Brandon Hillenburg, Ed Long, Maggie Cope, and Michael Jones. Stephen Redd attended the meeting via Zoom. Council Member Ron Waymack was absent. Also in attendance were City Attorney Ben Hooper, City Paralegal Jessica Looper, City Clerk & Treasurer Tammy Yocom and IT Director Roger Self.

Council Member Ron Waymack joined the meeting at 6:46 p.m.

Approval of Minutes from Last Meeting and Other Matters

The minutes of the December 14, 2020 Regular Council Meeting, the January 1, 2021 Special Council Meeting and the January 4, 2021 Regular Council Meeting were approved with a motion by Mr. Long and second by Mr. Reid. Motion passed unanimously by a Roll Call Vote.

Motion to read legislation by title only by Mr. Webber, second by Mr. Jones. Motion passed unanimously by a Roll Call Vote.

City Council

OLD BUSINESS: ORDINANCE NO. 41 OF 2020 – AN ORDINANCE TO REZONE 801 AND 904 EAGLE STREET, CITY OF CABOT, LONOKE COUNTY, ARKANSAS FROM R-1 TO R-4M; AMENDING THE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. The developers requesting this rezone addressed the council wishing to change the original request of R-4M to R-2S. They explained they have abandoned the idea of apartments in this area due to the concerns they heard at the previous council meeting. Discussion. There was no one in the audience that spoke for or against this rezone. It was determined the zone they are requesting allows them to have twenty, fifteen hundred square foot homes, three more than the current R-1 zone. A drawing of the type of homes to be built was provided to the Council. A copy is attached to these minutes. Mr. Long suggested the developers go back to the Planning Commission and start over regarding the newly requested zone of R-2S instead of amending the legislation from requesting R-4M to R-2S. Discussion. Chad Young, Chairman of the Planning Commission, stated it would be possible to look at the rezone request and the site plan at the same Planning Commission meeting to expedite the process for the developers. Discussion. The developers withdrew their rezone request. Motion by Mr. Long to withdraw the ordinance, second by Mr. Jones. Motion passed unanimously by a Roll Call Vote.

RESOLUTION NO. 26 OF 2021 – A RESOLUTION DECLARING THE STRUCTURE LOCATED AT 1100 WEST ELM STREET IN THE CITY OF CABOT TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR THE PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. Motion to adopt by Mr. Webber, second by Mr. Long. Mr. Long explained the history of this legislation. (This resolution was tabled during the July 2020 council meeting at the request of a Kroger representative so that the pending sale of the property could go through without the condemnation attached.) Laura Nobles, Director of Public Works, read through a timeline of events on this property. A copy is attached to these minutes. Discussion. Mr. Jones asked the Kroger representative attending the meeting via Zoom if there was a buyer for the property at this time. A copy of a Letter of Intent was sent via email to Mayor Kincade during this meeting at his request. The Mayor was asked not to share the name of the purchaser or the price. Discussion. It was determined there have been four or five LOI's so far on this property. Discussion. It was determined, if the resolution passes, Kroger will have 30 days to bring the property up to code or abate. Discussion. It was determined if the structure is condemned, per Mayor Kincade, all of it will have to go including the beams and concrete pad. The Kroger representative acknowledged the City has the authority to condemn this property. Motion passed with a Roll Call Vote of 7-1. Mr. Jones voting no.

NEW BUSINESS: ORDINANCE NO. 3 OF 2021 – AN ORDINANCE TO REZONE LOTS 22-27, JUDKINS ADDITION CABOT, LONOKE COUNTY, ARKANSAS. FROM O-1 TO C-2; AMENDING THE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. Motion to suspend the second and third reading by Mr. Long, second by Mr. Reid. Motion passed 7-1. Mr. Webber voted no. Motion to adopt by Mr. Long, second by Mr. Hillenburg. Motion passed unanimously. No other action.

ORDINANCE NO. 4 OF 2021 – AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH TEMPLE, INC. TO WAIVE THE COMPETITIVE BIDDING REQUIREMENTS IN ORDER TO ENTER INTO THAT AGREEMENT; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. Motion to suspend the second and third reading by Mr. Reid, second by Mr. Long. Motion passed unanimously. Motion to adopt by Mr. Long, second by Mr. Webber. Motion passed unanimously. Joe Gunderman, Director of Street & Infrastructure, asked for the Emergency Clause as this agreement will provide a central software server which is a necessary element in this project and is needed to get started. Motion to accept and adopt the Emergency Clause by Mr. Long, second by Mr. Reid. Motion passed unanimously.

RESOLUTION NO. 1 OF 2021 – A RESOLUTION APPROVING CABOT PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH HALFF ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE CABOT REGIONAL PARK; AUTHORIZING THE MAYOR AND CITY CLERK/TREASURER TO EXECUTE ANY DOCUMENTS NEEDED TO EFFECTUATE THE AGREEMENT; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. Motion to adopt by Mr. Reid, second by Mr. Jones. Motion passed unanimously.

RESOLUTION NO. 2 OF 2021 – A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK/TREASURER TO ENTER INTO AN AGREEMENT WITH HALFF ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR MT. SPRINGS ROAD DRAINAGE IMPROVEMENTS; AND FOR OTHER PURPOSES was read by City Clerk & Treasurer Tammy Yocom. Motion to adopt by Mr. Long, second by Mr. Redd. Discussion. Motion passed unanimously.

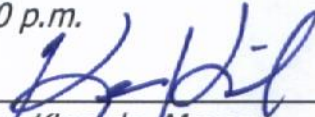
Community Input: None

Mayor Input: None

Council Member Input: Mr. Webber asked that all read the instructions on the new trash container or find the recycle information on our website to avoid any confusion.

Adjournment: There being no further business, the meeting was adjourned at 7:48 p.m.

We, the undersigned Mayor and City Clerk/Treasurer for the City of Cabot, do hereby certify the foregoing to be a true and correct record of the proceedings of the City of Cabot Regular Council Meeting held on Monday, January 25, 2021 at 6:30 p.m.



Ken Kincade, Mayor

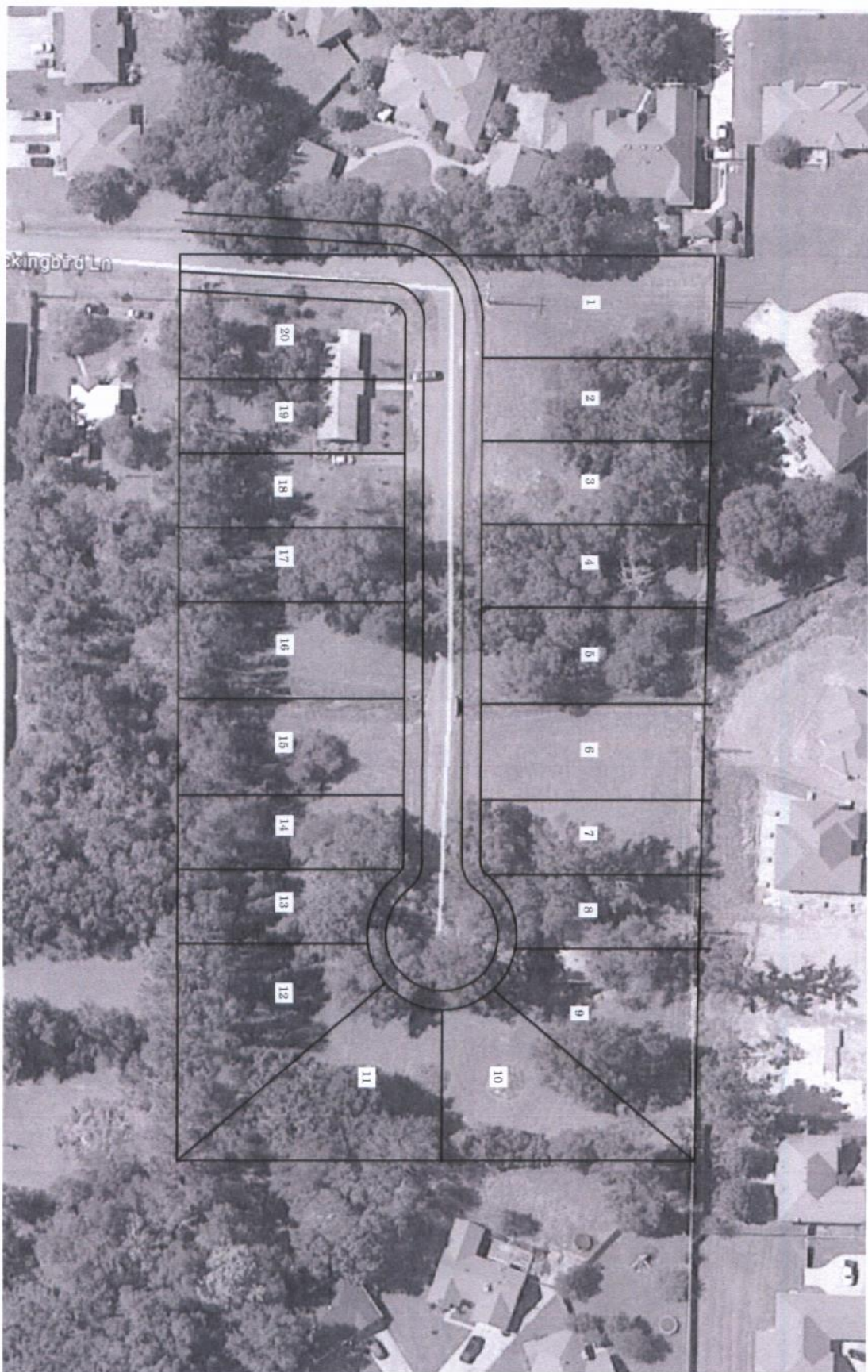


Tammy Yocom, Clerk & Treasurer





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1100 West Elm Street - Old Crown Metal Building - Update

May 1, 2020 – Mailed Kroger their 1st structure violation notice.

May 5, 2020 – Mr. Dennis Cobb corresponded via phone call and email to Code Compliance Inspector Tommy Dickson. Mr. Dickson explained to Mr. Cobb the severity of the building. Mr. Cobb emailed Mr. Dickson and asked him to send him information on what is required to bring the building up to code.

May 7, 2020 – Mr. Dickson emailed Mr. Cobb the case which included pictures of the building. Mr. Cobb responded and thanked Mr. Dickson for sending the information and that Mr. Cobb would reach out and get some pricing.

May 26, 2020 – Case was noted that our office hadn't heard anything from anyone with the Kroger office since May 7, 2020.

May 28, 2020 – Cabot PD was called to the location and found a door had been forced open. Code Compliance Inspector Tommy Dickson went to the property and took more pictures of the interior and exterior and secured the door.

June 3, 2020 – Email was sent to Municipal Services Committee members to review on whether to proceed with condemnation of the property. All members agreed to proceed with the condemnation.

June 27, 2020 & July 4, 2020 – Property was advertised in local paper per condemnation process procedures.

June 30, 2020 – A certified letter was mailed to Kroger notifying them of the city council will be having a public hearing on July 20, 2020 to hear a proposed condemnation action on the property.

July 6, 2020 – Mr. Michael Rosier with Kroger contacted myself and stated that he had 2 potential buyers but didn't know if they wanted the structure or just the land. I advised him that he had until July 20th but that I couldn't guarantee that the process wouldn't continue. He stated he would keep me updated.

July 6, 2020 – Certified letter was signed for by someone with Kroger.

July 6, 2020 – At the city council work session meeting, municipal services committee voted to send the condemnation to the full council for meeting on July 20, 2020.

July 20, 2020 – City Council Meeting. Mr. Rosier attended the meeting via Zoom call. He advised the council that he still had potential buyers for the property. The council listened to Mr. Rosier and advised him to keep myself updated on the progress of the potential buyers. Council voted to table the condemnation resolution till the August meeting.

July 30, 2020 – I reached out to Mr. Rosier via email and asked if there had been any changes since the July 20th city council meeting. I received no response.

August 17, 2020 – I received Letter of Intent from potential buyer confirm interest in purchasing the property. The letter stated it was good for 30 days.

August 25, 2020 – I reached out to Mr. Rosier again via email asking if there has been any change or a contract signed so I could give an update to the council. Mr. Rosier responded that he forwarded my note to the broker who is handling the negotiating with the buyer and owes him an update.

August 26, 2020 – I reached out to Mr. Rosier again via email for an update. He responded that there are ongoing verbal discussions. The buyer is currently more concerned about the incoming hurricane and associated rain/flooding. Hopefully can move this along and the hurricane is not that bad.

October 19, 2020 – WCA (New waste collection company) called me to inquire if the city would be ok with them renting the building to house the new trash and recycle carts that would be distributed to Cabot residents in December. I informed WCA that I would contact Mr. Rosier to see if they would be interested in this option. Mr. Rosier stated that it would be an option. I contacted WCA and informed them of Mr. Rosier's statement and gave WCA Mr. Rosier's contact information.

November 19, 2020 – The Mayor asked for Mr. Rosier's contact information. The Mayor spoke with Mr. Rosier about WCA renting the building. Mr. Rosier stated that they were suppose to be finalizing the transaction between WCA and Kroger either on November 20th or November 23rd. WCA rented the building from December 1, 2020-January 4, 2021.

January 6, 2021 – Mayor emailed Mr. Rosier asking where the sale on the building stands and that the council is wanting a resolution and they are ready to act.

January 13, 2021 – I mailed a certified letter notifying Kroger of a public hearing to be held by the Cabot City Council on January 25, 2021 to hear a proposed condemnation action on the property.

January 13, 2021 – The Mayor never received a response from Mr. Rosier from the January 6th email. An interested buyer of a portion of the property owner by Kroger reached out to the Mayor very frustrated with Kroger. The Mayor sent Mr. Rosier an email stating since there hasn't been any communication from him that he will proceed with condemning the building. Amy Williams stated in email to the Mayor that Kim with Kroger has stated that they intend to sell all the property together to maximize the value.

January 14, 2021 – Mr. Rosier finally responded to the Mayor's email from January 6th. Mr. Rosier stated that they have a LOI to sell the former Dollar General, former Crown Metal Building and the 2 lots North of the Crown Metal Building. There would be a 90-day inspection period and closing within 30 days after inspections.

January 14, 2021 – The Mayor responded to Mr. Rosier and asked him to send a copy of the LOI with a confidentially agreement to confirm the information.

January 19, 2021 – The certified letter I mailed on January 13, 2021 was signed for.

January 25, 2021 – As of today, The Mayor nor I have not received any further contact from Kroger.